

REMARKS/ARGUMENTS

The Office Action of September 19, 2005 has been carefully considered.

Claims 28, 29 and 55 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,352,416 to Wagner in view of Japanese reference 363115022 to Sagara.

As noted in Applicant's previous response dated June 29, 2005, Wagner discloses a valve arrangement for a sterilization container. This construction uses temperature controlled snap-discs. This is entirely different from the presently claimed invention. In Wagner, the cover 112 as a whole functions as valve means so that there is no problem of premature closing since there are strong springs 21 to maintain the cover-valve open until closure is required. Wagner also discloses an embodiment in which the valve means are provided in the bottom. This valve means 122 is, however, provided for controlling effluent of the condensate.

Sagara discloses a float-type temperature sensor for measuring the temperature of water in a water tank of a cooling tower. Sagara has a styrofoam cover to prevent radiant heat of the sunshine from influencing the temperature sensor.

Sagara, however, fails to show or suggest a sterilization container wherein "the temperature sensor is protected from premature cooling" as recited in claim 28 of the present application. Sagara discloses a temperature sensor with a styrofoam cover (10) which prevents the temperature from rising due to the radiant heat of the sunshine and external air temperature.

Similarly, Sagara fails to show or suggest a valve arrangement for a sterilization container wherein "the temperature sensor is isolated from a cooling effect of the sterilization process," as recited in claim 55 of the present application.

In addition, as noted in Applicant's previous response dated June 29, 2005, Applicant finds no motivation in either Wagner or Sagara for making the combination suggested by the Examiner. Sagara has absolutely nothing to do with a valve in a sterilization container, and provides no indication of any reasons there might be in such a sterilization container for protecting a temperature sensor contained therein from premature cooling. Without some acknowledgement of the need for protection of the temperature sensor in a sterilization container, it would not be obvious to take the teachings of Sagara to modify the construction of Wagner.

In response to this argument, the Examiner acknowledged that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the claimed invention when there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. However, the Examiner contends that Sagara teaches that in the art of measuring temperature using a temperature sensor it is known to provide protection for the sensor so that the sensor functions accurately when taking measurements and is not affected by external variables. Applicant respectfully disagrees.

As described in the specification of the present application, in accordance with one embodiment thereof, “[T]he complete sensor, after switch-on is effected, is now also shut off in a gas tight manner with respect to the bellows space. The recoil temperature of C.95° prevails in the sensor space at this instant, so that the temperature sensor cannot continue to cool down inside the sensor space (evaporation can no longer take place)... As a result, premature undesirable switching of the sensor is reliably prevented.” See Specification, page 5, line 14 to page 6, line2. In this manner, the temperature sensor is protected from cooling.

While Sagara relates to preventing the temperature of a temperature sensor from rising, the present application relates to preventing premature cooling of a temperature sensor. Thus, not only is there absolutely no relationship between a sterilization container and a water tank of a cooling tower, Sagara actually teaches away from protecting a temperature sensor from premature cooling. Thus, it is respectfully submitted that there is not motivation to combine the temperature sensor of Sagara with the sterilization container of Wagner to yield the limitation of claim 28, for example. In addition, it is further submitted that such a combination would provide protection from an inaccurate rise in the temperature sensed by the temperature sensor, but would not provide protection from premature cooling.

Accordingly, it is respectfully submitted that claim 28, and the claims depending therefrom, including claim 29, are patentable over the cited art for at least the reasons mentioned above. Further, it is respectfully submitted that claim 55 is similarly patentable over the cited art for at least the reasons mentioned above.

In light of the remarks made herein, it is respectfully submitted that claims 26-57 are patentable over the cited art and are in condition for allowance.

Reconsideration the present application is respectfully requested.



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Respectfully submitted,

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